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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,275	09/29/2003	Ramona Rae Fechter	28082.119	8370

7590 04/19/2007  
Paul F. Wille  
2225 West Chandler Boulevard  
Chandler, AZ 85224

EXAMINER
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QUARTERMAN, KEVIN J

ART UNIT	PAPER NUMBER
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2879

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/674,275	<b>Applicant(s)</b> FECHTER ET AL.	
	<b>Examiner</b> Kevin Quarterman	<b>Art Unit</b> 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 8-21 is/are pending in the application.
- 4a) Of the above claim(s) 10-16, 20 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 9 and 17-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02 April 2007 has been entered.

### ***Response to Amendment***

2. Applicant's amendment and remarks received on 02 April 2007 have been entered.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 8-9, and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Burrows (US 6,271,631).

5. Regarding independent claim 1, Figure 7 of Burrows shows an article having an electroluminescent panel (701A thru 701D) as a first surface of the article, the article

characterized in that the panel includes a removable release layer (Fig. 2, 102) overlying the panel to support the panel.

6. Regarding claim 2, Burrows discloses the panel emitting light outwardly from the first surface (col. 11, ln. 22-40).

7. Regarding claim 3, Burrows discloses the panel emitting light into the article (col. 11, ln. 22-40).

8. Regarding claim 4, Burrows discloses the first surface being three-dimensional (col. 11, ln. 19-21).

9. Regarding claim 8, Burrows discloses the article further including a graphics layer (col. 4, ln. 13-15).

10. Regarding claim 9, Burrows discloses a graphics layer adjacent a second surface of the article (col. 4, ln. 13-15).

11. Regarding independent claim 17, Figure 7 of Burrows shows an instrument cluster having at least one electroluminescent lamp (701A-D) as a first surface of the cluster, the instrument cluster characterized in that the cluster includes a removable release layer (Fig. 2, 102) overlying the lamp to support the lamp.

12. Regarding claim 18, Figure 7 of Burrows also shows a plurality of electroluminescent lamps, wherein at least some of the lamps include a graphics layer (col. 4, ln. 13-15).

13. Regarding independent claim 19, Figure 7 of Burrows shows a cellular telephone having an electroluminescent panel (701A-D) as a first surface of the telephone, the

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telephone characterized in that the panel includes a removable release layer (Fig. 2, 102) overlying panel layer to support the panel.

***Response to Arguments***

14. Applicant's arguments received 02 April 2007 have been fully considered but they are not persuasive.

15. In response to applicant's argument that Burrows does not disclose the EL lamp molded into the surface of an article, instrument cluster, or telephone, the Examiner notes that the patentability of a product does not depend on its method of production (MPEP § 2113). Figure 7 of Burrows, for example, shows the EL lamp provided in a surface of the article. The method of forming the EL lamp into the surface of the article—i.e., molding—does not determine the patentability of the device. Thus since Burrows teaches each of the structural limitations of the claims, the Examiner holds that the claims of the instant application are anticipated by Burrows, as discussed earlier in this office action.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quarterman whose telephone number is (571) 272-2461. The examiner can normally be reached on M-TH (7-5:30).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin Quarterman  
Examiner  
Art Unit 2879

kq

  
15 April 2007

  
NIMESHKUMAR D. PATEL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800